

OPINION 1021

CLINUS ACULEATUS REINHARDT, 1837 (PISCES, BLENNIOIDEI):
SUPPRESSED UNDER THE PLENARY POWERS

RULING.—(1) Under the plenary powers the specific name *aculeatus* Reinhardt, 1837, as published in the binomen *Clinus aculeatus*, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The specific name *maculatus* Fries, 1838, as published in the binomen *Clinus maculatus*, is hereby placed on the Official List of Specific Names in Zoology with the Name Number 2529.

(3) The specific name *aculeatus* Reinhardt, 1837, as suppressed under the plenary powers in (1) above, is hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology with the Name Number 994.

HISTORY OF THE CASE (Z.N.(S.) 1941)

The present case was submitted to the office of the Commission by Dr. J. G. Nielsen in October 1970. Dr. Nielsen's application was sent to the printer on 18 March 1971 and was published on 10 August 1971 in *Bull. zool. Nomencl.* 28 : 64. Public Notice of the possible use of the plenary powers was given in the same part of the *Bulletin* as well as to the other prescribed serial publications (Constitution Art. 12b; *Bull. zool. Nomencl.* 21 : 184) and to one specialist serial. The application was supported by the Nomenclature Committee of the American Society of Ichthyologists and Herpetologists per Dr. B. B. Collette (*Bull. zool. Nomencl.* 29 : 110).

DECISION OF THE COMMISSION

On 28 November 1973 the Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (73)12 either for or against the proposals set out in *Bull. zool. Nomencl.* 28 : 64. At the close of the prescribed voting period on 28 February 1974 the state of the voting was as follows:

Affirmative votes—sixteen (16), received in the following order: Holthuis, Lemche, Mayr, Vokes, Tortonese, Willink, Jaczewski, Melville, Eisenmann, Habe, Binder, Alvarado, Bayer, Heppell, Ride, Kraus.

Negative votes—four (4): Dupuis, Rohdendorf, Nye, Bernardi.

On leave of absence—one (1): Simpson.

Voting Papers not returned—three (3): Brinck, Munroe, Starobogatov.

Commissioners Erben and Corliss returned a late affirmative vote. Commissioner Sabrosky abstained from voting.

In returning their voting papers the following comments were made by Commissioners:

Dr. C. Dupuis (30.11.1973): "Simple respect de la priorité".

Prof. E. Mayr (3.xii.1973): "In the Opinion to be issued it should be stated that this decision conforms to Article 23b (or its post-Monaco equivalent)".

This application had been made to the Commission before the XVIIth International Congress on Zoology held at Monaco in September 1972. In their comment the American Society of Ichthyologists and Herpetologists (*Bull.* 29 : 110) provide four references in which the name *maculatus* has been used in the last fifty years. In accordance with Article 79(b) the following six references are listed in which the name *maculatus* was used:

- DUNCKER, G. & MOHR, E. W. 1929. *In: GRIMPE, G. & WAGLER, E. Die Tierwelt der Nord- und Ostsee* 12 (12): XIIg Leipzig, 97-98
 SCHNAKENBECK, W. 1934. *In: JOUBIN, L. [Ed.] Faune ichthiol. Atlant. N. Copenhagen*: pl. 316
 JENSEN, A. S. 1944. *Spolia zool. Mus. haun.* 4 : 31-32
 SAEMUNDSSON, B. 1949. *Marine Pisces. Zoology of Iceland*, 4 (72): 36, 136
 ANDRIASHEV, A. P. 1954. *Keys to the Fauna of the U.S.S.R., Zool. Inst., Akad. Nauk S.S.R.*, Moskwa-Leningrad No. 53: 248-250
 WHEELER, A. 1969. *The Fishes of the British Isles and North-West Europe*, Macmillan, London: 444

Prof. B. B. Rohdendorf (11.ii.1974): "I vote against suppression action for the specific name *aculeatus* Reinhardt, 1837 as it is contrary to the Law of Priority".

Dr. I. W. B. Nye (27.ii.1974): "Although I would support the nomenclatural proposal to place *Clinus maculatus* on the Official List, thereby giving it precedence over any other name for the species; I am against the proposal to place its subjective synonym on the Official Index, thereby rejecting it for ever. To ask the Commission to do so is not only unnecessary but is seeking an endorsement of a subjective synonymy when no evidence has been provided on which to base a judgement".

Prof. G. Bernardi (18.ii.1974): "Comme de nombreux entomologistes je suis opposé à la "règle des 50 ans" et je considère, en ce qui concerne les noms du groupe-espèce, qu'une erreur ne doit pas être acceptée même si elle est de longue durée".

ORIGINAL REFERENCES

The following are the original references for names placed on the Official List and Index by the Ruling given in the present Opinion:
aculeatus, *Clinus*, Reinhardt, 1837, *Ichthyologiske Bidrag til den gronlandske Fauna*. København.: 1-122
maculatus, *Clinus*, Fries, 1838, *K. svenska VetenskAkad. Handl.* 1837 : 51

CERTIFICATE

I certify that the votes cast on Voting Paper (73)12 were cast as set out above, that the proposal contained in that Voting Paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission, is truly recorded in the present Opinion No. 1021.

R. V. MELVILLE, *Secretary*
International Commission on Zoological Nomenclature, London, 14 March 1974